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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/741,244	12/19/2000	Elizabeth Goldwyn Gibson	1906P	8208

7590 01/16/2004

SAWYER LAW GROUP LLP
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EXAMINER

ELAHEE, MD S

ART UNIT	PAPER NUMBER
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2645

DATE MAILED: 01/16/2004

10

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/741,244

Applicant(s)

GIBSON ET AL.

Examiner

Md S Elahee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) 15 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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DETAILED ACTION

Response to Amendment

1. This action is responsive to an amendment filed 10/31/03. Claims 1-14 are pending. Claim 15 has been cancelled.

Response to Arguments

2. Applicant's arguments filed 10/31/03 have been fully considered but they are not persuasive.

Applicant's arguments with respect to claims 1, 5, 8 and 11 have been considered but are moot in view of the new ground(s) of rejection.

In view of the Applicant's remarks, it is agreed that Varney does not teach or suggest the added limitation, "wherein the telephone provides a three-way call between the calling party, the called party, and the voice mailbox, wherein the telephone bridges the call between the calling party and the voice mailbox" as disclosed in claims 1, 5, 8 and 11. Thus a new ground of rejection of Varney in view of Cannon is applied below.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Varney (U.S. Patent No. 6,310,939) and in view of Cannon et al. (U.S. Patent No. 6,529,587).

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Regarding claim 1, Varney teaches a switching system for receiving a call from a calling party (fig.1; col.2, lines 22-25).

Varney further teaches that a voice mail system (VMS) coupled to the switching system for receiving the call if a called party does not answer the call (fig.1; col.2, lines 22-55; 'voice mail system (VMS)' reads on the claim 'voice mailbox').

Varney further teaches that a telephone station for the called party for receiving the call from the calling party, and wherein the telephone station for the called party enabling screening the calling party when the calling party is coupled to the VMS (fig.1; col.2, lines 56-67, col.3, lines 1, 2, 33-41; 'telephone station for the called party' reads on the claim 'telephone' and 'VMS' reads on the claim 'voice mailbox').

However, Varney fails to teach, "the telephone provides a three-way call between the calling party, the called party, and the voice mailbox, wherein the telephone bridges the call between the calling party and the voice mailbox". Cannon teaches that the telephone provides a three-way call between the calling party, the Subscriber (i.e., called party), and the voice mailbox, wherein the telephone connects (i.e., bridges) the call between the calling party and the voice mailbox (fig.2; col.5, lines 1-20). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Varney to allow the telephone providing a three-way call between the calling party, the called party, and the voice mailbox, wherein the telephone bridges the call between the calling party and the voice mailbox as taught by Cannon. The motivation for the modification is to have doing so in order to provide the called party to listen the calling party.

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Regarding claims 2 and 12, Varney teaches that the telephone further comprises connections to the switching system, wherein in one of the connections is utilized to provide the call bridge (i.e., three-way call) (col.2, lines 56-67, col.3, lines 1-5, 33-41; 'connections' reads on the claim 'first and second connections', 'call bridge' reads on the claim 'three-way call' and 'VMS' reads on the claim 'voice mailbox').

Regarding claims 3 and 13, Varney teaches that the called party leg is monitored for speech, if detected, connection to VMS switch is dropped. Further signal to bridge the call is provided so that caller and called party can hear each other, therefore, until speech is detected and new bridge is set up the caller can not hear the called party (col.3, lines 1-9; 'call bridge' reads on the claim 'three-way call').

Regarding claims 4 and 14, Varney teaches that the called party can, through interaction with the telephone, talk with the calling party through the other of the connections and the VMS is dropped from the call (col.2, lines 56-67, col.3, lines 1-7, col.4, lines 37-49; 'connections' reads on the claim 'first and second connections' and 'VMS' reads on the claim 'voice mailbox').

Regarding claims 5 and 8, Varney teaches receiving a call from a calling party by a VMS (fig.1; col.2, lines 22-55; 'VMS' reads on the claim 'voice mailbox').

Varney further teaches joining the called party, the calling party, and the voice mailbox, and wherein the called party can screen a message from the calling party (col.2, lines 56-67, col.3, lines 1-5, 33-41).

However, Varney fails to teach, "the telephone provides a three-way call between the calling party, the called party, and the voice mailbox, wherein the telephone bridges the call

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between the calling party and the voice mailbox". Cannon teaches that the telephone provides a three-way call between the calling party, the Subscriber (i.e., called party), and the voice mailbox, wherein the telephone connects (i.e., bridges) the call between the calling party and the voice mailbox (fig.2; col.5, lines 1-20). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Varney to allow the telephone providing a three-way call between the calling party, the called party, and the voice mailbox, wherein the telephone bridges the call between the calling party and the voice mailbox as taught by Cannon. The motivation for the modification is to have doing so in order to provide the called party to listen the calling party.

Regarding claims 6 and 9, Varney teaches that the called party leg is monitored for speech, if detected, connection to VMS switch is dropped. Further signal to bridge the call is provided so that caller and called party can hear each other, therefore, until speech is detected and new bridge is set up the caller can not hear the called party (col.3, lines 1-9).

Regarding claims 7 and 10, Varney teaches dropping the VMS from the call bridge by the telephone when the called party speaks to the calling party (abstract; col.2, lines 56-67, col.3, lines 1-7; 'call bridge' reads on the claim 'three-way call' and 'VMS' reads on the claim 'voice mailbox').

Regarding claim 11, Varney teaches a telephone station of the called party for receiving a call from the calling party (fig.1; col.2, lines 22-25; 'telephone station of the called party' reads on the claim 'receiver').

Varney further teaches that a voice mail screening system within the telephone station of the called party for allowing a called party to hear the calling party when the calling party is

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coupled to a VMS (abstract; fig.1; col.2, lines 56-67, col.3, lines 1, 2, 33-41; 'telephone station for the called party' reads on the claim 'telephone' and 'VMS' reads on the claim 'voice mailbox').

However, Varney fails to teach, "the telephone provides a three-way call between the calling party, the called party, and the voice mailbox, wherein the telephone bridges the call between the calling party and the voice mailbox". Cannon teaches that the telephone provides a three-way call between the calling party, the Subscriber (i.e., called party), and the voice mailbox, wherein the telephone connects (i.e., bridges) the call between the calling party and the voice mailbox (fig.2; col.5, lines 1-20). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Varney to allow the telephone providing a three-way call between the calling party, the called party, and the voice mailbox, wherein the telephone bridges the call between the calling party and the voice mailbox as taught by Cannon. The motivation for the modification is to have doing so in order to provide the called party to listen the calling party.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Cannon et al. (U.S. Patent 6,639,972) teach method for screening active voice mail messages.

1. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Md S Elahee whose telephone number is (703) 305-4822. The examiner can normally be reached on Mon to Fri from 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (703) 305-4895. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [fan.tsang@uspto.gov].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly

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set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-9600.

Any response to this action should be mailed to:

Box AF

Commissioner of Patents and Trademarks

Washington, DC 20231

or faxed to:

(703) 308-5397(for formal communications intended for entry; please mark "EXPEDITED PROCEDURE")

(703) **306-5406**(for informal or draft communications, such as proposed amendments to be discussed at an interview; please label such communications "PROPOSED" or "DRAFT")

or hand-carried to:

Crystal Park Two

2121 Crystal Drive

Arlington, VA.

Sixth Floor (Receptionist)

Allan Hoosain
ALLAN HOOSAIN
PRIMARY EXAMINER
for
Fan Tsang